

Code of Federal Regulations

Title 49. Transportation

Subtitle B. Other Regulations Relating to Transportation

Chapter III. Federal Motor Carrier Safety Administration, Department of Transportation (Refs & Annos)

Subchapter B. Federal Motor Carrier Safety Regulations

Part 390. Federal Motor Carrier Safety Regulations; General (Refs & Annos)

Subpart A. General Applicability and Definitions

49 C.F.R. § 390.3

§ 390.3 General applicability.

Effective: November 8, 2021

[Currentness](#)

<Text of section suspended effective indefinitely.>

<For compliance date(s) of amendment(s) to section, see [86 FR 55718](#).>

(a)(1) The rules in subchapter B of this chapter are applicable to all employers, employees, and commercial motor vehicles that transport property or passengers in interstate commerce.

(2) The rules in [49 CFR 386.12\(e\)](#) and [390.6](#) prohibiting the coercion of drivers of commercial motor vehicles operating in interstate commerce:

(i) To violate certain safety regulations are applicable to all motor carriers, shippers, receivers, and transportation intermediaries; and

(ii) To violate certain commercial regulations are applicable to all operators of commercial motor vehicles.

(b) The rules in part 383 of this chapter, Commercial Driver's License Standards; Requirements and Penalties, are applicable to every person who operates a commercial motor vehicle, as defined in [§ 383.5](#) of this subchapter, in interstate or intrastate commerce and to all employers of such persons.

(c) The rules in part 387 of this chapter, Minimum Levels of Financial Responsibility for Motor Carriers, are applicable to motor carriers as provided in [§ 387.3](#) or [387.27](#) of this chapter.

(d) Additional requirements. Nothing in subchapter B of this chapter shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

(e) Knowledge of and compliance with the regulations.

(1) Every employer shall be knowledgeable of and comply with all regulations contained in this subchapter that are applicable to that motor carrier's operations.

(2) Every driver and employee involved in motor carrier operations shall be instructed regarding, and shall comply with, all applicable regulations contained in this subchapter.

(3) All motor vehicle equipment and accessories required by this chapter shall be maintained in compliance with all applicable performance and design criteria set forth in this subchapter.

(f) Exceptions. Unless otherwise specifically provided, the rules in this subchapter do not apply to—

(1) All school bus operations as defined in § 390.5, except for §§ 391.15(e) and (f), 392.15, 392.80, and 392.82 of this chapter;

(2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;

(3) The occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise;

(4) The transportation of human corpses or sick and injured persons;

(5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations;

(6) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except for the provisions of §§ 391.15(e) and (f), 392.80, and 392.82, and except that motor carriers operating such vehicles are required to comply with §§ 390.15, 390.21(a) and (b)(2), 390.201 and 390.205.

(7) Either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if such regulations would prevent the driver from responding to an emergency condition requiring immediate response as defined in § 390.5.

(g) Motor carriers that transport hazardous materials in intrastate commerce. The rules in the following provisions of this subchapter apply to motor carriers that transport hazardous materials in intrastate commerce and to the motor vehicles that transport hazardous materials in intrastate commerce:

(1) Part 385, subparts A and E, for carriers subject to the requirements of § 385.403 of this subchapter.

(2) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings, of this subchapter.

(3) Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in § 387.3 of this subchapter.

(4) Subpart E of this part, Unified Registration System, and § 390.21, Marking of CMVs, for carriers subject to the requirements of § 385.403 of this subchapter. Intrastate motor carriers operating prior to January 1, 2005, are excepted from § 390.201.

(h) Intermodal equipment providers. The rules in the following provisions of this subchapter apply to intermodal equipment providers:

(1) Subpart F, Intermodal Equipment Providers, of Part 385, Safety Fitness Procedures.

(2) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

(3) Part 390, Federal Motor Carrier Safety Regulations; General, except § 390.15(b) concerning accident registers.

(4) Part 393, Parts and Accessories Necessary for Safe Operation.

(5) Part 396, Inspection, Repair, and Maintenance.

(i) Brokers. The rules in the following provisions of this subchapter apply to brokers that are required to register with the Agency pursuant to 49 U.S.C. chapter 139.

(1) Part 371, Brokers of Property.

(2) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

(3) Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in subpart C of that part.

(4) Section 390.6, prohibiting the coercion of drivers of commercial motor vehicles operating in interstate commerce to violate certain safety regulations, and subpart E of this part, Unified Registration System.

(j) Freight forwarders. The rules in the following provisions of this subchapter apply to freight forwarders that are required to register with the Agency pursuant to 49 U.S.C. chapter 139.

(1) Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

(2) Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in subpart D of that part.

(3) [Section 390.6](#), prohibiting the coercion of drivers of commercial motor vehicles operating in interstate commerce to violate certain safety regulations, and subpart E of this part, Unified Registration System.

(k) Cargo tank facilities. The rules in subpart E of this part, Unified Registration System, apply to each cargo tank and cargo tank motor vehicle manufacturer, assembler, repairer, inspector, tester, and design certifying engineer that is subject to registration requirements under [49 CFR 107.502](#) and [49 U.S.C. 5108](#).

(l) Shippers, receivers, consignees, and transportation intermediaries. The rules in [49 CFR 386.12\(c\)](#) and [390.6](#) prohibiting the coercion of drivers of commercial motor vehicles operating in interstate commerce to violate certain safety regulations are applicable to shippers, receivers, and transportation intermediaries.

#### Credits

[[54 FR 12202](#), March 24, 1989; [58 FR 33776](#), June 21, 1993; [59 FR 8752](#), Feb. 23, 1994; [59 FR 67554](#), Dec. 29, 1994; [60 FR 26002](#), May 16, 1995; [60 FR 27700](#), May 25, 1995; [60 FR 40761](#), Aug. 10, 1995; [61 FR 42822](#), Aug. 19, 1996; [62 FR 1296](#), Jan. 9, 1997; [63 FR 33276](#), June 18, 1998; [64 FR 48516](#), Sept. 3, 1999; [66 FR 2766](#), Jan. 11, 2001; [66 FR 9677](#), Feb. 9, 2001; [68 FR 47875](#), Aug. 12, 2003; [68 FR 61246](#), Oct. 27, 2003; [69 FR 39372](#), June 30, 2004; [72 FR 36790](#), July 5, 2007; [73 FR 76820](#), Dec. 17, 2008; [75 FR 5002](#), Feb. 1, 2010; [75 FR 59135](#), Sept. 27, 2010; [76 FR 75487](#), Dec. 2, 2011; [78 FR 52652](#), Aug. 23, 2013; [80 FR 63695](#), [63710](#), Oct. 21, 2015; [80 FR 74709](#), Nov. 30, 2015; [81 FR 49554](#), July 28, 2016; [82 FR 5310](#), Jan. 17, 2017; [83 FR 22877](#), May 17, 2018; [86 FR 55743](#), Oct. 7, 2021]

SOURCE: [53 FR 18052](#), May 19, 1988; [54 FR 7191](#), Feb. 17, 1989; [59 FR 60323](#), Nov. 23, 1994; [59 FR 67554](#), Dec. 29, 1994; [60 FR 38743](#), July 28, 1995; [61 FR 54710](#), Oct. 21, 1996; [62 FR 1296](#), Jan. 9, 1997; [63 FR 33276](#), June 18, 1998; [65 FR 35296](#), June 2, 2000; [65 FR 70514](#), Nov. 24, 2000; [66 FR 2766](#), Jan. 11, 2001; [67 FR 9416](#), March 1, 2002; [67 FR 49764](#), July 31, 2002; [68 FR 22514](#), April 28, 2003; [68 FR 47875](#), Aug. 12, 2003; [69 FR 16719](#), March 30, 2004; [70 FR 50070](#), Aug. 25, 2005; [72 FR 36790](#), July 5, 2007; [73 FR 76497](#), Dec. 16, 2008; [73 FR 76820](#), Dec. 17, 2008; [75 FR 5002](#), Feb. 1, 2010; [76 FR 75486](#), Dec. 2, 2011; [77 FR 24127](#), April 20, 2012; [77 FR 59827](#), Oct. 1, 2012; [78 FR 16194](#), March 14, 2013; [78 FR 52652](#), Aug. 23, 2013; [79 FR 15250](#), March 19, 2014; [79 FR 59457](#), Oct. 2, 2014; [79 FR 63059](#), Oct. 22, 2014; [80 FR 63695](#), [63710](#), Oct. 21, 2015; [80 FR 74709](#), Nov. 30, 2015; [80 FR 78383](#), Dec. 16, 2015; [81 FR 14000](#), March 16, 2016; [81 FR 47720](#), July 22, 2016; [81 FR 68348](#), Oct. 4, 2016; [82 FR 5310](#), Jan. 17, 2017; [82 FR 27767](#), June 16, 2017; [83 FR 22877](#), May 17, 2018; [83 FR 26859](#), June 11, 2018; [86 FR 57072](#), Oct. 14, 2021, unless otherwise noted.

AUTHORITY: 49 U.S.C. 113, 504, 508, 31132, 31133, 31134, 31136, 31137, 31144, 31149, 31151, 31502; sec. 114, Pub.L. 103–311, 108 Stat. 1673, 1677; secs. 212 and 217, Pub.L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub.L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub.L. 109–59, 119 Stat. 1144, 1726, 1743, 1744), 113

Stat. 1748, 1773; sec. 4136, Pub.L. 109–59, 119 Stat. 1144, 1745; secs. 32101(d) and 32934, Pub.L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub.L. 113–125, 128 Stat. 1388; secs. 5403, 5518, and 5524, Pub.L. 114–94, 129 Stat. 1312, 1548, 1558, 1560; sec. 2, Pub.L. 115–105, 131 Stat. 2263; and 49 CFR 1.81, 1.81a, 1.87.

#### Notes of Decisions (17)

Current through December 23, 2021; 86 FR 72873.

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